

S.F. No. 3187 – Emergency Incident Preparedness for Rail Transport of Hazardous Substances

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S.F. 3187 addresses (1) a modification in the state’s emergency preparedness laws; (2) railroad training requirements; (3) expanding training requirements to emergency managers and incident commanders; (4) providing a timeline of response during a rail incident involving the transport of hazardous substances or oil; (5) includes the Governor’s recommendations to add 2 additional rail safety inspectors via an assessment on rail companies; and (6) reinstates assessments to railroads and pipeline companies to pay for emergency preparedness activities.

Section 1 [Oil and other hazardous substances transportation data] provides the classification for data on oil and hazardous substances transported by rail and post-incident review.

Section 2 [Training] amends the training requirements for railroads to (1) include a local emergency management organization and (2) provide the training to the applicable jurisdictions along routes where hazardous substances are transported by rail. The training must address the methods to identify rail cards and hazardous substances, responder safety issues, rail response tactics, notification and evacuation concerns, environmental contamination, railroad response personnel and coordination at an incident, and other protocols for safe initial local response including the notification requirements established in section 4.

Section 3 [Emergency response planning; coordination] establishes coordination requirements for emergency response planning between emergency responders and railroads. Requires the commissioner of public safety to publish the list of emergency managers and fire chiefs every other year rather than annually.

Section 4 [Response capabilities; time limits] amends the time limits and emergency response responsibilities of a railroad after an incident involving oil or hazardous substances. Paragraph (a) requires railroads to deliver and deploy sufficient equipment to respond to an incident and adds requirement for railroad to contact emergency services within 15 minutes of incident. Emergency response or fire chief must identify and provide contact information of the responsible incident commander to the railroad. Paragraph (b) requires a railroad to provide assistance to the incident

commander and identify the nature of the hazardous substance known to have been released and any other hazardous substance cargo on the train. Paragraph (c) requires a qualified company representative of the railroad to advise the incident commander, assist in assessing the situation, initiate needed railroad actions, and provide advice and recommendations to the incident commander regarding the response.

Section 5 [Railroad drills] modifies the requirements for containment, recovery, and sensitive area protection exercises by requiring one tabletop exercise every year and one full-scale exercise every three years.

Section 6 [Prevention and response plans; requirements; submission] makes changes to the submission requirements of prevention and response plans for railroads.

Section 7 [Railroad company assessment; account; appropriation] is the governor's recommendation to increase the statutory allotment of rail safety inspectors from four to six, paid for via assessment to railroad companies.

Section 8 [Incident emergency response; preparedness and information] establishes additional incident emergency response policies on railroads transporting hazardous substances, including:

- (1) providing a traffic review to the commissioner of public safety;
- (2) requiring information sharing, upon written request, of a rail carrier's prevention and response plans and risk assessment information used to develop the rail carrier's route analysis to either the commissioner of public safety, an emergency manager, or a fire chief having jurisdiction along the route;
- (3) requiring a rail carrier to meet with the commissioner, a requesting emergency manager, or fire chief having jurisdiction within 30 days after receiving a written request and discuss the rail carrier's emergency response plans and inventory information on response equipment;
- (4) establish requirements for real-time emergency information on hazardous materials being transported by rail;
- (5) requiring a rail carrier to conduct public safety emergency response exercises once a year via tabletop exercise and one full-scale exercise every three years; and
- (6) requiring an incident commander training exercise once a year via tabletop exercise and one full-scale exercise every three years.

Section 9 [Grade crossing safety account] makes technical changes to the grade crossing safety account necessitated by the fiscal components in section 10.

Section 10 [Railroad and pipeline safety; oil and other hazardous substances] reinstates assessments to railroads and pipeline companies to pay for emergency preparedness, along with some new activities in 299A.55. These assessments sunsetted in FY 2017. (Previously, the assessments were \$2.5 million a year, split 50/50 between rail and pipeline companies, and \$104,000 of it was appropriated to PCA for staffing costs related to rail safety.) The new assessment would be \$4 million a year, split 70/30 between rail and pipeline companies, and \$140,000 of it appropriated to PCA for staffing. In addition, \$750,000 in FY 24 and \$1.5 million in subsequent years is transferred to the existing grade crossing safety account to pay for MNDOT grade crossing safety projects. The remainder stays in the railroad and pipeline safety account for purposes listed under 299A.55.

Section 11 is a Revisor's instruction.

Section 12 provides the act is effective the day following final enactment.